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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,856	05/23/2001	Martin A. Parker	82070RLO	9907

7590 09/23/2004  
Thomas H. Close  
Patent Legal Staff  
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EXAMINER


NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/863,856	<b>Applicant(s)</b> PARKER ET AL. 	
	<b>Examiner</b> Cao (Kevin) Nguyen	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petelycky et al. (US Patent No. 6,204,840) in view of Yang et al. (US Patent No. 6,301,586).

Regarding claim 1, Petelycky discloses a method for organizing visual digital objects and for selecting one or more of such visual digital objects for viewing, comprising the steps of:  
a) developing a histogram timeline which identifies a number of visual digital objects organized according to predetermined time periods and providing thumbnail representations thereof (see col. 3, lines 1-56); however, Petelycky fails to explicitly teach selecting a portion of the

histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion; and c) determining if one or more of the viewed such thumbnail representations is of interest and then viewing the corresponding digital visual objects.

Yang discloses selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects corresponding to such selected portion; and c) determining if one or more of the viewed such thumbnail representations is of interest and then viewing the corresponding digital visual objects (see col. 22, lines 8-60). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide selecting a portion of the histogram timeline for viewing such thumbnail representations of visual digital objects as taught by Yang to produce a multimedia output file from the storyline strip of Petelycky in order to enable user for viewable or previewing a histogram of the multimedia digital objects and digital object transition positions.

Claim 2, differs from claim 1 in that “selecting a portion of the histogram timeline for viewing representations of digital multimedia objects corresponding to such selected portion; and determining if one or more of the viewed representations is of interest and then viewing or processing the corresponding digital multimedia object (s) which broadly read on Petelycky (see col. 8, lines 8-56).

Claim 3, differs from claims 1 and 2 in that “a method for organizing digital multimedia objects including visual and audio and for selecting one or more of digital multimedia objects for viewing or listening, comprising the steps of: a) developing a histogram timeline which identifies

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a number of such objects organized according to predetermined time periods and providing thumbnail or iconic representations of the visual objects and text or iconic representations of the audio objects” which read on Petelycky (see col. 8, lines 18-67).

Regarding claim 4, Yang discloses wherein the representations correspond to a combination of visual and audio representations (see col. 12, lines 16-67).

Regarding claim 5, Yang discloses wherein the visual and audio objects include still and motion images (see col. 22, lines 8-54).

As claims 6 and 7 are analyzed as previously discussed with respect to claims 1 and 3 above.

Regarding claim 8, Yang discloses further including rendering the histogram timeline so the horizontal axis being time and the vertical axis is the number of digital multimedia objects, with the timeline length running from the earliest to the latest dates of the digital multimedia objects in the database and the duration (width) of the histogram timeline bins being responsive to the resolution and size of the display (see col. 17, lines 11-65).

Regarding claims 9-11, wherein the representations are provided in a separate viewable area than the histogram timeline and include the thumbnail images and icons of the digital multimedia objects have a displayed date and time of origination (see col. 25, lines 39-62 and figures 7-11).

As claims 12-17 are analyzed as previously discussed with respect to claims 1-3 and 8-11 above.

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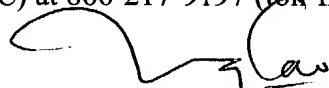
***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703)305-3972. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

09/15/04